



# Rhode Island Marine Fisheries Council

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## MEETING SUMMARY

March 5, 2018

Chairperson: *B. Ballou (DEM)*

RIMFC Members: *M. Roderick, D. Monti, T. Barao, J. Grant, A. Dangelo, B. Mackintosh*

DMF: *J. McNamee, S. Olszewski, N. Lengyel, N. Ares, C. Parkins E. Schneider, J. Lake, M. Bucko, N. Andrews, P. Duhamel,*

DEM Enforcement: *Sgt. D. White*

DEM Legal: *C. Hoefsmit*

Public: Approximately 15-20 persons

1. **Approval of the Agenda:** The Chair inquired as to modifications to the agenda or objections to approving the agenda. Hearing none, the agenda was approved by consent.
2. **Approval of minutes from meeting on December 4, 2017:** The Chair inquired as to any proposed modifications or objections to approving the minutes. Hearing none, the minutes were approved by consent.
3. **Public comments regarding other matters not on agenda:** *B. Ballou* offered that two matters brought to the Council by *R. Bellavance* during the public comment portion at the last meeting will be placed on the next meeting agenda (matters may be found in the minutes of the December 4, 2017 meeting). A gentleman, Spencer Bode, requested that the comment period for the public hearing that took place on February 19, 2018, be re-opened for the menhaden regulations that were proposed. *B. Ballou* offered that Mr. Bode had submitted an alternative proposal, but the proposal was received after the close of the comment period. As such, he offered to Mr. Bode that the matter would be taken under advisement for consideration to bring forward at a subsequent public hearing.
4. **February 19 public hearing items:**
  - **Hearing item 1a. - Recreational Black Sea Bass:** *J. McNamee* offered that final specifications had still not been received by the ASMFC, and that negotiations are still taking place with other states. At this juncture he offered an alternative option that he believed would be acceptable to ASMFC: Season 7/1 – 8/31 @ 3 fish bag limit; and 9/1 – 12/15 @ 5 fish bag limit. He offered a response to the hearing comments regarding an earlier opening in the Spring rather than a later opening in the Fall: he offered that closing all of wave 6 would result in an earlier opening of only 4 days in the Spring, and asked that the Council consider such when making their recommendation. Without knowing specifics from the ASMFC, and therefore not

being able to provide exact parameters for the Council's consideration, he specifically requested that the Council provide preference for an earlier Spring opening or later fall season. He offered that an increase in minimum size is not recommended due to biological/lifecycle considerations of the species. *D. Monti* expressed concern that opening later in the Spring would result in a significant loss of fishing opportunity for shore anglers, including many children, that fish in the upper bay (e.g., Rocky Point) in the Spring when the fish are present in those areas. He offered that the data shows that shore angling for black sea bass is most significant at this time of year. He offered that he did not support the loss of fishing in June. *A. Dangelo* offered that 4 days of fishing opportunity in June is not worth giving up all of November and December. *J. McNamee* offered that wave 5 would also be impacted if opening earlier as being discussed. *B. Macintosh* offered the possibility of creating special exemption areas including reduced minimum size for females, in order to remove some of the smaller females from the biomass. *J. McNamee* responded that special shore sites for black sea bass could be investigated for the 2019 season. *T. Barao* inquired as to the removal of the closed period in the Fall (i.e., 9/22-10/21) and its impact on the rest of the year; to which *J. McNamee* responded that this closed period was extremely unpopular. Motion made by *A. Dangelo* to recommend the following season and possession limit: Season 7/1 – 8/31 @ 3 fish; 9/1 – 12/15 @ 5 fish; 2<sup>nd</sup> by *B. Macintosh*. *T. Barao* inquired about reducing the bag limit from 3 to 2 fish; to which *J. McNamee* responded that while some benefit could be achieved with season length, reducing to less than 3 has been very unpopular for the Spring season and was therefore not considered. *D. Monti* strongly re-iterated the season proposed will result in the complete loss of private shore angling and bay fishing in the Spring season. The motion passed 4-2 (*D. Monti* and *T. Barao* opposed).

- **Hearing item 1b. - Recreational Scup:** *J. McNamee* offered support for either option proposed, but suggested option 2 as the more favorable option as consistent with the rest of the northern region states. Motion made by *D. Monti* to recommend adoption of option 2 as proposed; 2<sup>nd</sup> by *B. Macintosh*. The motion passed 6-0.
- **Hearing item 1c. - Commercial Scup:** Motion made by *D. Monti* to recommend adoption of option 1 as proposed; 2<sup>nd</sup> by *T. Barao*. The motion passed 6-0.
- **Hearing item 1d. - Recreational Striped Bass:** *B. Ballou* inquired as to the Division looking into the possibility of a CE proposal for next season in response to several public hearing comments supporting a 2-fish bag limit. *J. McNamee* offered that he would seek Council guidance before looking into further, as such a proposal would require some work to calculate. He offered that this option would not be available for the 2018 season but could be looked into for 2019. Motion made by *A. Dangelo* to recommend status quo (no change to regulation) and to look into a 2-fish bag limit for 2019; 2<sup>nd</sup> by *B. Macintosh*. The motion passed 6-0.
- **Commercial Striped Bass General Category – proposal to delete duplicative language (section 3.9.2(2)(d)(5)) regarding catch rate adjustments (note: this item inaccurately included as part of option 1 proposal; however this issue is a stand-**

**alone item not specifically related to the general category striped bass options being considered**: *N. Lengyel* explained that the language proposed for deletion is duplicative with Part 1, section 1.6(B), which provides more comprehensive language regarding the Director's authority to adjust possession limits to avoid quota overages. Motion made by *J. Grant* to recommend support as proposed; 2<sup>nd</sup> by *D. Monti*. The motion passed 6-0.

- **Hearing item 1e. - Commercial Striped Bass General Category**: Motion (motion #1) made by *D. Monti* to recommend support of option 3 (5/15 – 8/23, closed Fri/Sat, 70% of quota; and 8/24 – 12/31, closed Fri/Sat, 30% of quota); 2<sup>nd</sup> by *T. Barao*. *T. Barao* offered that he was hearing from people a desire to not change significantly, and that option 3 represents the closest to status quo. He offered support for including Memorial Day weekend in the season. *A. Dangelo* offered support for a later Spring opening in order to preserve quota later in year. An amended motion (motion #2) was made by *J. Grant* to adjust the opening date for the second sub-period from 8/24 to 8/5; 2<sup>nd</sup> by *T. Barao*. The amended motion (motion #2) passed 6-0. Another motion (motion #3) to amend was made by *M. Roderick* to revise the 70/30% sub-period quota allocations to 60/40%. This motion (motion #3) failed for lack of a 2<sup>nd</sup>. Another motion to amend (motion #4) was made by *A. Dangelo* to adjust the opening date for the first sub-period from 5/15 to 5/20; 2<sup>nd</sup> by *B. Macintosh*. *B. Macintosh* offered that the opening date of 5/28 for 2017 was a compromise date to provide equity for both Bay and Block Island fishermen, and that an earlier opening date will favor one camp at the expense of the other; to which *J. McNamee* concurred that there were 2 camps vying for better access to the quota. *B. Macintosh* offered support to maintain the 5/28 opening date. *D. Monti* offered that the proposed earlier Spring opening date is offset by the earlier closing date of the sub-period, and earlier opening date of the 2<sup>nd</sup> sub-period. *D. Monti* offered that any changes to dates in the Spring sub-period should be matched by similar changes to the second sub-period. *J. McNamee* offered that the sub-periods historically close much sooner than the actual end of the sub-period, therefore the sub-period closing dates are not a factor. The motion (motion #4) passed 4-2 (*D. Monti* and *T. Barao* opposed). The Council then voted on the final, amended motion (motion #1, as amended: 5/20 – 8/4, closed Fri/Sat, 70% of quota; 8/5-12/31, closed Fri/Sat, 30% of quota). The motion passed 6-0.
- **Hearing item 1f. - Proposed amendment to remove the October 15th date from the floating fish trap allocation transfer provision**: *J. McNamee* offered that the item was not accurately presented at the hearing. As the matter is not time-sensitive, he recommended that the matter be brought back to hearing for reconsideration later in year. The Council provided no recommendation.
- **Hearing item 1g. - Commercial Striped Bass Floating Fish Traps**: *J. McNamee* offered support for the public comment (*T. Hoxsie*) to increase the possession limit to 500 lbs/day, from current 200 lbs/day, when the 70% trigger is reached. *J. Grant* recused himself as a floating fish trap owner. Motion made by *B. Macintosh* to recommend maintaining current parameters, but to increase the possession limit to 500 lbs/day at the 70% trigger; 2<sup>nd</sup> by *A. Dangelo*. *J. McNamee* offered that the 500 lb

limit being considered provides a greater allowance which could result in less discards. He offered support of the increase as manageable by the Division. The motion passed 5-0 (J. Grant recused).

- **Hearing item 1h. - Recreational summer flounder:** *J. McNamee* offered that the quota liberalization has provided for an increase in the bag limit from 4 to 6 fish. He offered that he also calculated decreasing the minimum size by both ½” and 1”, but that neither was determined to be a viable option (i.e., would result in overages). Motion made by D. Monti to recommend adoption of option 2 as positive for both private and the P/C industry; 2<sup>nd</sup> by A. Dangelo. T. Barao inquired as to regulations for neighboring states; to which *J. McNamee* replied that he was not currently aware of final regulations but that such information should be available soon. The motion passed 6-0.
- **Hearing item 1i. - Recreational Tautog:** *J. McNamee* offered that the proposed option is for ASMFC compliance. He noted that minimal harvest is occurring during the extra days proposed to be added to the early and late seasons. He offered that it was his observation that the mid-season closure was still looked upon favorably. He noted that Massachusetts is open at 1 fish during this time, and that negotiations had taken place to sync RI with Mass. as closely as possible. *B. Ballou* inquired if status quo was a viable option, in that several public hearing comments were made in support this option; to which *J. McNamee* responded that a CE proposal could be developed, but that he is unaware if status quo would meet the criteria, and any such proposal would need time to be developed and reviewed. Motion made by A. Dangelo to recommend status quo (no change to regulation); the motion died for lack of a 2<sup>nd</sup>. A motion was then made by D. Monti to recommend adoption of option 1 as proposed; 2<sup>nd</sup> by M. Roderick. J. Grant requested that the Division look into opening the mid-season closure at 1 fish for the 2019 season, as equitable with Massachusetts. The motion passed 5-1 (A. Dangelo opposed).
- **Hearing item 1j. - Commercial Tautog:** *J. McNamee* offered that option 2 was developed as a means to sync rec. and comm. fisheries. He offered Division support for any of the options proposed. Motion made by B. Macintosh to recommend adoption of option 2 as presented; 2<sup>nd</sup> by D. Monti. J. Grant offered support for the motion as equitable, and also offered that option 3 would result in increased discards and other negative outcomes. The motion passed 6 – 0.
- **Hearing item 1k. - Recreational Bluefish:** Motion made by B. Macintosh to recommend status quo (no change to regulation); 2<sup>nd</sup> by A. Dangelo. The motion passed 6 – 0.
- **Hearing item 1l. - Commercial Bluefish:** *J. McNamee* offered Division support for either option. Motion made by T. Barao to recommend adoption of option 2 as proposed; 2<sup>nd</sup> by M. Roderick. The motion passed 6 – 0.
- **Hearing item 1m. - Commercial Menhaden:** *J. McNamee* offered Division support for proposal as ASMFC compliant. *B. Ballou* inquired about the

Saturday/Sunday/holiday closure; to which *N. Lengyel* responded that the proposal is not a compliance matter, but is necessary to correct the regulation so that it applies only to purse seines, which was the original intent. She offered due to its location in regulation, it was overly broad and also applied to non-directed and small-scale gear. She offered that the proposal was only to re-locate the language so that it applies only to purse seine operations. Motion made by *D. Monti* to recommend adoption as proposed as ASMFC compliant; 2<sup>nd</sup> by *J. Grant*. The motion passed 6 – 0.

- **Hearing item 1n. Commercial Skate Bait Fishery:** Motion made by *D. Monti* to recommend adoption as proposed; 2<sup>nd</sup> by *T. Barao*. The motion passed 5 – 0 (*J. Grant* abstained).
- **Hearing item 2. - Proposed Jacob’s Point Shellfish Management Area (town of Warren):** *J. McNamee* offered that the development of the proposed SMA was a collaboration between the Division, industry, and the town of Warren. *D. Monti* noted that the area being proposed was modified and significantly reduced in size in response to discussions with industry. Motion made by *D. Monti* to recommend adoption as proposed; 2<sup>nd</sup> by *A. Dangelo*. *J. Grant* inquired if the jurisdiction would remain with DEM or the town; to which *J. McNamee* replied that all management of the area would remain with DEM. The motion passed 6 – 0.
- **Hearing Item 3a. – Proposal to broaden the floating buoy line prohibition within eight (8) feet of the surface of the water to all pots:** *B. Macintosh* noted that sinking line is required in federal waters and offered support of the proposal for state waters. *J. Grant* offered that proposed regulation was unclear with floating fish traps and use of language “fixed gear” as proposed. He offered support, but that rule should apply to all buoy lines rather than all fixed gear. *J. Grant* offered that following revision: “*The use of floating line within eight (8) feet of the surface of the water, that is attached to any fixed fishing gear **buoy**, is prohibited*”. Discussion ensued that rule should not apply to all net float lines. Motion made by *J. Grant* to recommend adoption of the proposal with the language modification as provided; 2<sup>nd</sup> by *A. Dangelo*. The motion passed 6 – 0.
- **Hearing Item 3b. – Proposal to broaden the buoy and vessel color scheme requirement to all pots:** *B. Macintosh* inquired as to how buoys/vessel colors are enforced when several fishermen might have the same colors; to which *S. Olszewski* replied that the requirement is that the colors specified on the license must match the colors on the vessel, so that the Division of Enforcement can match the colors. Motion made by *D. Monti* to recommend adoption as proposed; 2<sup>nd</sup> by *J. Grant*. The motion passed 6 – 0.

Meeting adjourned at approximately 8:30; prepared by *P. Duhamel*